

# **Title 10 MARYLAND DEPARTMENT OF HEALTH**

## **Subtitle 29 BOARD OF MORTICIANS AND FUNERAL DIRECTORS**

### **Chapter 18 Crematories — Inspections, Complaints, Investigations, Grounds for Discipline, and Penalties**

**Authority: Health Occupations Article, §§7-101, 7-102, 7-205, 7-316, 7-317, 7-319, and 7-406, Annotated Code of Maryland**

#### **.01 Scope.**

This chapter governs crematory inspections, standards, the complaint process, investigations, grounds for discipline, and penalties.

#### **.02 Inspection by the Board.**

A. A crematory shall be available for inspection by a representative of the Board at any time during operating hours.

B. A crematory shall be inspected:

- (1) On at least a biennial basis;
- (2) In furtherance of an investigation; or
- (3) Upon the sale or change of ownership of the crematory.

C. The permit holder or any person responsible for day-to-day operation of the cremation machinery shall be available to accompany the inspector during the inspection and sign the initial inspection report. A copy of the inspection report shall be provided to the permit holder or registered crematory operator responsible for the day-to-day operation of the crematory.

D. A crematory shall maintain the following minimum standards:

- (1) The premises shall be maintained in a sanitary manner to comply with Centers for Disease Control's guidelines on universal precautions;
- (2) Except by express written consent of the authorizing agent, there may not be more than one human body cremated simultaneously in a single cremator;
- (3) A cremator shall be completely cleaned after each cremation;

- (4) There may not be co-mingling of human remains and pet remains in refrigeration units or cremation machinery;
- (5) Separate cremators shall be dedicated for the cremation of human remains and the cremation of pets;
- (6) There may not be:
  - (a) Co-mingling of cremated human remains with other human or pet cremated remains;
  - (b) Scooping of cremated human remains from a bucket containing co-mingled cremated human remains; or
  - (c) Any form of misrepresentation in the return of cremated human remains;
- (7) Excluding a deceased person with a known communicable infection, human remains shall be properly identified before cremation by verifying that the documentation accompanying the human remains is consistent with a visual observation of the human remains;
- (8) Burial transit permit shall be an original document pertaining to the deceased;
- (9) Each crematory shall have:
  - (a) A sink with hot and cold water within the room housing the cremator; and
  - (b) The equipment necessary to thoroughly clean the floor within the room housing the cremator with water and an appropriate sanitizing agent;
- (10) The name of the deceased shall be visible on the outside of the cremation container;
- (11) Human remains shall be properly stored before cremation;
- (12) Crematories shall:
  - (a) Use only mechanical pulverizing equipment meeting industry standards that has been totally brushed as clean as possible between each use; and
  - (b) Pulverize the cremated human remains with a mortar and pestle if the cremated human remains are not sufficient in amount for pulverizing in mechanical equipment;
- (13) Separate pulverizing drums shall be dedicated for cremated human remains and cremated pet remains;
- (14) Cremated human remains may not be held pending payment of any fees;
- (15) Cremators without safety devices that prevent the automatic door from dropping prematurely shall be retrofitted with such safety devices;
- (16) Portable fans may not be used in the area of the cremator and pulverizer;
- (17) There shall be a minimum of 6 inches between cremator smoke stack and the roof of the crematory;

- (18) Before pulverizing, the mechanical pulverizer shall be clamped;
- (19) A cremator shall have visible on its front a warning sign stating, "No leaning past the door of the cremator.";
- (20) The permit holder or registered crematory operator shall be present at the crematory during regular business hours; and
- (21) All individuals who operate the cremator in a crematory shall be certified by the Cremation Association of North America (CANA), International Cemetery, Cremation and Funeral Association (ICCFCA), or other equivalent certification recognized jointly by the Board and the Office. Individuals receiving training toward certification to operate a cremator shall be allowed to work under the supervision of a registered crematory operator who has the required certification for a period not to exceed 6 months.

E. The following completed forms from previous cremations shall be available at all times for inspection and copying and are subject to be pulled at random by the inspector:

- (1) Cremation authorization form;
- (2) Burial transit permit;
- (3) Delegation of authority form;
- (4) Receipt for human remains;
- (5) Record of cremation;
- (6) Certificate of cremation; and
- (7) Return of cremated human remains certificate.

F. Inspection results shall be written on forms approved by the Board.

G. The Board representative performing the inspection shall, on completion of the inspection:

- (1) Apprise the permit holder of the findings of the inspection; and
- (2) Provide the permit holder or representative of the permit holder with a copy of the inspection report.

H. The permit holder or representative of the permit holder shall sign and verify receipt of the inspection report.

I. At the time of the Board inspection, the permit holder shall provide written documentation to the Board's inspector that:

- (1) The cremator has been inspected in accordance with manufacturer specifications;
- (2) In accordance with manufacturer specifications, it is not time for a manufacturer's inspection; or
- (3) The permit holder has requested that the manufacturer conduct an inspection of the cremator.

### **.03 Crematory Inspection Report, Deficiencies, and Penalties.**

A. The Board shall review the inspection report and make a determination as to whether a deficiency exists.

B. The Board shall notify the permit holder of the results of the inspection by providing a copy of the inspection report to the permit holder.

C. If a permit holder passes an inspection, the permit holder shall, prominently and in public view, display on the premises a statement issued by the Board that the crematory has successfully passed an inspection.

D. If the Board finds a deficiency, the Board shall:

- (1) Within 7 days, notify the permit holder of the deficiency or failure to pass the inspection; and
- (2) Provide a copy of the inspection report to the permit holder within 30 days.

E. Correction of Deficiency.

- (1) Except as provided in this section, a permit holder shall correct a deficiency within 30 days after receipt of notification or sooner as determined by the Board.
- (2) The Board may require immediate correction of a deficiency if the Board considers the correction necessary in the interest of public health.
- (3) The permit holder may request an extension of time for correction of a deficiency.
- (4) The Board may approve an extension of time for correction of a deficiency.
- (5) Upon completion of correction of all deficiencies, the permit holder shall notify the Board.
- (6) Upon notification by the permit holder, a representative of the Board shall re-inspect the crematory.
- (7) The Board shall notify the permit holder in writing of the results of the re-inspection by providing a copy of a new inspection report to the permit holder.
- (8) If re-inspection reveals additional deficiencies not cited in the first report, the permit holder shall correct those deficiencies in the time period specified by the Board unless an extension of time is requested by the permit holder and approved by the Board.

F. Penalties. In the event that a permit holder fails to allow an inspection of the crematory or fails to comply with a notice to correct deficiencies or violations within the time specified, the Board shall:

- (1) Deem the failure to be a threat to the public health, safety, or welfare and requiring emergency action;
- (2) Summarily suspend the crematory permit as provided under State Government Article, §10-226(c)(2), Annotated Code of Maryland;

(3) Provide notice of the Board's action to the permit holder; and

(4) Provide the permit holder an opportunity to be heard.

#### **.04 Complaints.**

A. If the permit holder was issued a permit by the Board, a complaint shall be:

(1) Filed in compliance with the provisions of COMAR 10.29.11.03; and

(2) Processed in accordance with the provisions of COMAR 10.29.11.04.

B. The Board may initiate a complaint or investigation on its own.

#### **.05 Investigations.**

The Board and the Office of Cemetery Oversight may share investigative information and conduct joint investigations.

#### **.06 Grounds for Discipline, Hearing, and Penalties.**

A. Pursuant to the provisions of Health Occupations Article, §§7-316 and 7-319, Annotated Code of Maryland, the Board may:

(1) Deny a crematory permit or crematory operator registration to an applicant;

(2) Reprimand any permit holder or registered crematory operator; or

(3) Suspend or revoke a crematory permit or crematory operator registration.

B. Pursuant to the provisions of Health Occupations Article, §7-317, Annotated Code of Maryland, if the Board, after bringing an action, finds that there are grounds for probation, suspension, or revocation, the Board may impose a penalty not exceeding \$5,000.

#### **Administrative History**

Effective date: April 14, 2014 (41:7 Md. R. 421)

Regulation .02D amended effective May 18, 2020 (47:10 Md. R. 518)